

- (1) is scheduled for separation from the Department, other than for cause;
- (2) is selected for appointment to a continuing position with the United States Postal Service; and
- (3) accepts the appointment.

(Added Pub. L. 103-337, div. A, title III, §345(a)(1), Oct. 5, 1994, 108 Stat. 2723.)

EFFECTIVE DATE

Section 345(b) of Pub. L. 103-337 provided that: “The amendments made by subsection (a) [enacting this section] shall apply to persons separated from employment with the Department of Defense on or after the date of the enactment of this Act [Oct. 5, 1994].”

§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees

An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for transferred employees.

(Added Pub. L. 104-201, div. A, title XVI, §1605(a)(1), Sept. 23, 1996, 110 Stat. 2736.)

EFFECTIVE DATE

Section 1605(b) of Pub. L. 104-201 provided that: “Section 5736 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 5737. Relocation expenses of an employee who is performing an extended assignment

(a) Under regulations prescribed under section 5738 of this title, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of not less than six months and not greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

- (1) Travel expenses to and from the assignment location in accordance with section 5724 of this title.
- (2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724 of this title.
- (3) A per diem allowance for en route travel of the employee's immediate family to and from the assignment location in accordance with section 5724a(a) of this title.

(4) Travel and transportation expenses of the employee and spouse to seek new residence quarters at the assignment location in accordance with section 5724a(b) of this title.

(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c) of this title.

(6) An amount, in accordance with section 5724a(f), to be used by the employee for miscellaneous expenses of this title.¹

(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727 of this title.

(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a) of this title, subject to the limitation that the weight of the household goods and personal effects stored, together with the weight of property transported under section 5724(a) of this title, may not exceed the total maximum weight which could be transported in accordance with section 5724(a) of this title.

(10) Expenses of property management services.

(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.

(Added Pub. L. 104-201, div. A, title XVII, §1716, Sept. 23, 1996, 110 Stat. 2756.)

EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

§ 5738. Regulations

(a)(1) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter.

(2) The Administrator of General Services shall include in the regulations authority for the head of an agency or his designee to waive any limitation of this subchapter or in any implementing regulation for any employee relocating to or from a remote or isolated location who would suffer hardship if the limitation were not waived. A waiver of a limitation under authority provided in the regulations pursuant to this paragraph shall be effective notwithstanding any other provision of this subchapter.

(b) In prescribing regulations for the implementation of section 5724b of this title, the Administrator of General Services shall consult with the Secretary of the Treasury.

(c) The Secretary of Defense shall prescribe regulations necessary for the implementation of section 5735 of this title.

¹ So in original.

(Added Pub. L. 104-201, div. A, title XVII, §1722, Sept. 23, 1996, 110 Stat. 2758.)

EFFECTIVE DATE

Section effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 5722 of this title.

§ 5739. Authority for relocation expenses test programs

(a)(1) Notwithstanding any other provision of this subchapter, under a test program which the Administrator of General Services determines to be in the interest of the Government and approves, an agency may pay through the proper disbursing official any necessary relocation expenses in lieu of any payment otherwise authorized or required under this subchapter. An agency shall include in any request to the Administrator for approval of such a test program an analysis of the expected costs and benefits and a set of criteria for evaluating the effectiveness of the program.

(2) Any test program conducted under this section shall be designed to enhance cost savings or other efficiencies that accrue to the Government.

(3) Nothing in this section is intended to limit the authority of any agency to conduct test programs.

(b) The Administrator shall transmit a copy of any test program approved by the Administrator under this section to the appropriate committees of the Congress at least 30 days before the effective date of the program.

(c) An agency authorized to conduct a test program under subsection (a) shall provide to the Administrator and the appropriate committees of the Congress a report on the results of the program no later than 3 months after completion of the program.

(d) No more than 10 test programs under this section may be conducted simultaneously.

(e) The authority to conduct test programs under this section shall expire 11 years after the date of the enactment of the Travel and Transportation Reform Act of 1998.

(Added Pub. L. 105-264, §5(b), Oct. 19, 1998, 112 Stat. 2355; amended Pub. L. 109-325, §1(a), Oct. 11, 2006, 120 Stat. 1760.)

REFERENCES IN TEXT

The date of the enactment of the Travel and Transportation Reform Act of 1998, referred to in subsec. (e), is the date of enactment of Pub. L. 105-264, which was approved Oct. 19, 1998.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-325, §1(a)(1), struck out “for a period not to exceed 24 months” after “disbursing official”.

Subsec. (e). Pub. L. 109-325, §1(a)(2), substituted “11 years” for “7 years”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-325, §1(b), Oct. 11, 2006, 120 Stat. 1760, provided that: “The amendments made by this section [amending this section] shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 112 Stat. 2350).”

SUBCHAPTER III—TRANSPORTATION OF REMAINS, DEPENDENTS, AND EFFECTS

§ 5741. General prohibition

Except as specifically authorized by statute, the head of an Executive department or military department may not authorize an expenditure in connection with the transportation of remains of a deceased employee.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 506.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 103.	June 7, 1897, ch. 3, §1 (last proviso on p. 86), 30 Stat. 86.

The words “a military department” are inserted to preserve the application of the source law. Before enactment of the National Security Act Amendments of 1949 (63 Stat. 578), the Department of the Army, the Department of the Navy, and the Department of the Air Force were Executive departments. The National Security Act Amendments of 1949 established the Department of Defense as an Executive Department including the Department of the Army, the Department of the Navy, and the Department of the Air Force as military departments, not as Executive departments. However, the source law for this section, which was in effect in 1949, remained applicable to the Secretaries of the military departments by virtue of section 12(g) of the National Security Act Amendments of 1949 (63 Stat. 591), which is set out in the reviser’s note for section 301.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 5742. Transportation of remains, dependents, and effects; death occurring away from official station or abroad

(a) For the purpose of this section, “agency” means—

- (1) an Executive agency;
- (2) a military department;
- (3) an agency in the legislative branch; and
- (4) an agency in the judicial branch.

(b) When an employee dies, the head of the agency concerned, under regulations prescribed by the President and, except as otherwise provided by law, may pay from appropriations available for the activity in which the employee was engaged—

(1) the expense of preparing and transporting the remains to the home or official station of the employee, or such other place appropriate for interment as is determined by the head of the agency concerned, if death occurred while the employee was in a travel status away from his official station in the United States or while performing official duties outside the continental United States or in transit thereto or therefrom;

(2) the expense of transporting his dependents, including expenses of packing, crating, draying, and transporting household effects and other personal property to his former home or such other place as is determined by the head of the agency concerned, if death occurred while the employee was performing official duties outside the continental United States or in transit thereto or therefrom; and